

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

September 10, 2001

NOTICE OF INVESTIGATION

GEORGE LEE
Appeal of Consumer Assistance Division
Decision #2000-8603 Regarding Bangor
Hydro-Electric Company

Docket No. 2000-1003

PUBLIC UTILITIES COMMISSION
Investigation of Duties Concerning
Interruption of Service

Docket No. 2001-597

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order and Notice we grant Mr. George Lee's request for reconsideration in Docket No. 2000-1003 and initiate an investigation of the standards to be followed by transmission and distribution (T&D) utilities in advising customers of interruptions in their utility service and also whether Bangor Hydro-Electric Company (BHE) followed the standards in effect in dealing with Mr. Lee.

II. BACKGROUND

On December 11 and 12, 1999, a significant storm affected the Brownville, Maine area. As a result, BHE's poles and distribution lines were damaged and the service to Mr. Lee's cottage was interrupted. On or about December 13, 1999, the Company repaired its equipment. The storm, however, had damaged Mr. Lee's customer-owned equipment which connected the Company's distribution lines to Mr. Lee's cottage. Therefore, service was not restored to Mr. Lee's cottage at such time. Mr. Lee was not informed by the Company until December 28, 1999 that his service was interrupted. On January 5, 2000, the service was restored to Mr. Lee's cottage. During the time his cottage was without power, the pipes in Mr. Lee's cottage froze, causing approximately \$2,500 in damages.

On August 1, 2000, Mr. Lee filed a complaint with our Consumer Assistance Division (CAD) based on BHE's failure to notify him of the service interruption and the damage to his camp that resulted from the loss of power. On December 4, 2000, the CAD issued its decision finding that BHE had not failed to meet any Commission-mandated obligation and had acted reasonably in denying Mr. Lee's claim for damages. On December 12, 2000, Mr. Lee filed an appeal of the CAD's decision with the Commission. On January 24, 2001, we issued an Order on Appeal which upheld the CAD's December 4, 2000 decision. Mr. Lee filed a Request for Reconsideration of this order on February 13, 2001.

In his request for reconsideration Mr. Lee noted that our Order on Appeal erroneously described the incident which led to the outage. In our Order we stated that a tree knocked down the private line extending from BHE's pole to Mr. Lee's camp. According to Mr. Lee, the line to his cottage is underground and what actually occurred was that a tree fell on BHE's line which snapped off the top of the utility pole which held the connection to Mr. Lee's line. When BHE reattached its wire to the utility pole, they did not reconnect the line to Mr. Lee's line because Mr. Lee's equipment had been damaged. Mr. Lee goes on to argue:

As you mentioned Bangor Hydro is not responsible for situations beyond their control but in this instance where my continuous service had been interrupted and they were perfectly aware of it they should pursue in a conscious effort to contact me of the situation. There was an unsuccessful attempt made on December 17, 1999, which was four days after my camp had been left without power. On December 28, 1999, eleven days after the first attempt, a successful contact was made. Why do you feel that they have met their responsibility of informing me that my camp had no power for over two weeks?

III. SCOPE OF INVESTIGATION

Although Mr. Lee has not raised any new material facts in his request for reconsideration, based on our review of the record in Mr. Lee's case, we conclude that it is appropriate to grant Mr. Lee's request for reconsideration to reopen this matter and to initiate an investigation to address the following questions:

- A. What is the obligation of a T&D utility to inform its customers of service interruptions?
- B. What should the obligation be?
- C. What should the consequences of a T&D's failure to meet its obligation be?
- D. Did BHE meet its obligations to Mr. Lee in this particular instance?

While question D above is specific to Mr. Lee and BHE, questions A – C are generic in nature and, therefore, we invite other T&D utilities to participate in this matter. In reopening the case, we would note that the Commission does not have authority to award Mr. Lee the type of damages he apparently is seeking from the Company even if we found that BHE had failed to meet its obligation here. Therefore, Mr. Lee may wish to pursue other avenues (i.e., the courts) while we conduct this investigation.

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond